

SELF SERVICE CENTER

INSTRUCTIONS: HOW TO FILE YOUR “AGREEMENT TO MODIFY CUSTODY, PARENTING TIME (formerly known as “VISITATION”) AND CHILD SUPPORT”

STEP 1 Determine whether this court has the authority to hear your case. Either party or children of the parties must live in Maricopa County to file for modification in this county:

- A. If the court Order you want to change is from Maricopa County, Arizona:**
- Use your copy of the Order, or get a copy of the Order from Court Records. You will need a copy of the Order to fill out the paperwork.
- B. If the court Order you want to change is from another county in Arizona:**
- Get a **certified copy** of the Order you want to change from the other county, **AND**
 - Bring the certified copy with you when you come to the Clerk of the Court to file your court papers, **AND**
 - Give the certified copy of the Order to the Clerk before filing any additional paperwork, **AND**
 - The Clerk will file the Order and assign a case number to your new case.
- C. If the court order you want to change is from a state other than Arizona:**
- Talk to a lawyer who can tell you what requirements are necessary for you to file for modification in Arizona.

STEP 2 Important definitions to help you in your decision to change custody.

- “**Sole Custody**” means the condition under which **one person** has legal custody.
- “**Parenting time**” means the condition under which a parent has the right to have a child physically placed with the parent and the right and responsibility to make, during that placement, routine daily decisions regarding the child’s care consistent with the major decisions made by the person having legal custody.
- “**Joint Custody**” means joint legal custody or joint physical custody, or both.
- “**Joint Legal Custody**” means the condition under which both parents share legal custody and neither parent’s rights are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order.
- “**Joint Physical Custody**” means the condition under which the physical residence of the child is shared by the parents in a manner that assures that the child has substantially equal time and contact with both parents.

STEP 3 Complete the forms in this packet if both parties agree to ask the court to modify or change an existing court Order for child custody, parenting time and child support.

- Have in front of you a copy of the current “**Parenting Plan**” (if you have one), “**Child Custody Order**,” the “**Child Support Order**,” and any “**Order of Assignment**” You will need to look at these documents to complete all the paperwork now.
IMPORTANT: If you want to modify custody, you must also consider whether it will be necessary to modify child support and/or parenting time. You will need all the documents that are required to modify the child support order and the parenting time order.

- Use the ***“Parent-Child Access Guidelines”*** to help you make your new ***“Custody and Parenting time Parenting Plan.”***
- Use the ***“Child Support Guidelines”*** and the ***“Parent’s Worksheet”*** to help you understand whether, in light of the proposed new custody arrangement, the child support payments need to be changed. If you are changing custody and therefore changing child support, you might need to stop a current assignment order, and have a new ***“Order of Assignment”*** issued, depending on which parent will now pay support. These forms are included in the forms packet.
- Remember that the court must do what is in the best interests of the children. Even if both parties agree to child custody, parenting time and support, the judge will look over all the papers and decide what Order to make.

STEP 4: Complete the *Family Court Post-Decree Coversheet* (Post Decree Modification or Enforcement)

Print or type in black ink.

Case Type: Check only one box that matches the legal procedure for which you are filing the documents in this packet.

Case Number: Write in the case number of the original case whose decision or order you are asking the Court to change or enforce.

Information About the Petitioner (*in the original action*): Regardless of who started *this* action for change or enforcement, write in the information, if you know it, for the person who was the Petitioner *in the original case*. If the Petitioner’s address is protected, simply write “Protected” on the address line. If you are the Petitioner, and you want your address protected, DO NOT write your address on the coversheet. When you file your papers, tell the Clerk of the Court you want your address protected and they will give you a special form to complete. If you are the Petitioner and a lawyer represents you, write in the lawyer’s name and bar number.

Information about the other party, the Respondent (*in the original action*): Regardless of who started *this* action for change or enforcement, write in the information, if you know it, for the person who was the Respondent *in the original case*. If the Respondent’s address is protected, simply write “Protected” on the address line. If you are the Respondent, and you want your address protected, DO NOT write your address on the coversheet. When you file your papers, tell the Clerk of the Court you want your address protected and they will give you a special form to complete. If you are the Respondent and a lawyer represents you, write in the lawyer’s name and bar number.

Minor Children Involved: List the names, dates of birth, and social security numbers for any minor children involved in this specific case.

Other Minor Children: If there are other children of either the Petitioner or the Respondent or both not involved with this case, list their names on the lines provided.

Other court cases: Check the appropriate box to tell this Court if either you or your spouse have been involved in any other cases, except a minor traffic offense, in any other court. If you check the Yes box, please describe the case, including case numbers and court location.

Domestic Violence Section: Answer the questions listed regarding domestic violence. This information will help court staff determine if this issue is relevant to this case.

Children's Issues Section: Answer the questions regarding the children you listed on *the "Family Court Cover Sheet."* This information will help court staff determine if these issues are relevant to this case, and/or whether a case exists in this Court already regarding any child you listed.

Interpreter: If you or your spouse need an interpreter, check the box for the appropriate party, one or both. **Language:** Check the box to indicate whether the interpreter is needed for Spanish or other language. If "Other", write in the language. This information helps the court estimate the need for interpreters. It is **NOT** an official request for an interpreter.

Location: If you are filing your documents in Phoenix, check the Downtown Phoenix box. If you are filing your documents in Mesa, check the Mesa box.

STEP 5: Complete the "*Stipulation to Modify the Prior Court Order Regarding Custody, Parenting time and Support.*"

- In the top left corner of the first page, fill out the following: your name; address; city, state, zip code; telephone number; your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security, your attorney's bar number, if you are represented by an attorney, and then check the box to say whether you are representing yourself or are represented by an attorney. If you are represented by an attorney, write your name in the space provided. Then do the same for the Respondent or other party.
- Fill in the section that says Name of Petitioner and Name of Respondent, exactly as it appears on your original Divorce, Paternity, or Child Custody papers. If your original case was a paternity case, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Maricopa County, write in your name as Petitioner and the other party as Respondent.
- Fill in your case number on the line next to Case Number using your original case number from your Divorce, Paternity, or Child Custody papers. If your court order was from another county, make sure you follow the steps above. Use the new case number the Clerk of the Court assigns you.
- Read paragraph 1 (one). Make sure this statement is true.
- Read paragraph 2 (two). Write in the date the judge signed the Order you want to change, and then write in the name of the judge who signed the Order you want to change. Follow the instructions in paragraph two about attaching a copy of the Order.
- Read paragraph 3 (three). Make sure this statement is true.
- Then both you and the other party must sign and date the Stipulation.

STEP 6: Complete the "*Order Modifying Custody, Parenting time and Child Support.*"

- In the top left corner of the first page, fill out the following: your name; address; city, state, zip code; telephone number; your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security, your attorney's bar number, if you are represented by an attorney, and then check the box to say whether you are representing yourself or are represented by an attorney. If you are represented by an

attorney, write your name in the space provided. Then do the same for the Respondent or other party.

- Fill in the section that says Name of Petitioner and Name of Respondent, exactly as it appears on your original Divorce, Paternity, or Child Custody papers. If your original case was a Paternity, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Maricopa County, write in your name as Petitioner and the other party as Respondent.
- Fill in your case number on the line next to Case Number using your original case number from your Divorce, Paternity, or Child Custody papers. If your court order was from another county, make sure you follow the steps above. Use the new case number the Clerk of the Court assigns you.

THE COURT FINDS:

Paragraph 3 (three). Write in the name of the children, their birth dates, their ages, and their social security numbers.

Paragraph 5 (five). Check this box if this statement is true and you are asking for joint custody. If you are asking for joint custody and the statement is not true, you cannot ask for joint custody.

THE COURT ORDERS:

Paragraph 1 (one): Write in the date the custody Order you want to change was signed by the judge.

Paragraph A: Custody and Parenting time. Check the box to say whether joint custody or sole custody is awarded. If Sole Custody is awarded, write in the names of the children in the space provided to say whether mother or father has sole custody.

Paragraph B: Child Support. Check the box to say whether mother or father will pay child support, and then write in the amount of child support that person will pay each month. If you both agree there should be a deviation in child support, write in why there should be a deviation in the space provided.

Paragraph C: Medical and Dental Insurance, Payments and Expenses. Check the box to say whether mother or father will provide insurance. Then write in what percentage mother will pay of the uninsured medical and dental expenses.

Paragraph D: Tax Deductions. Write in the name of the children that mother will claim a tax deduction and then say whether it is every year or every other year. Do the same thing for father.

Paragraph F: Other Orders. If there are other orders you both agree that you want the court to make related to your case, write in the other orders.

- If the judge approves your Stipulation, he or she will date and sign the Order. Leave this space blank.
- You and the other party must sign the Order in front of a Notary Public. If you are represented by an attorney, the attorney must sign the Order. If the Attorney General is involved in your case because of child support issues, the Attorney General must also sign the Order.

STEP 7: Complete the other necessary documents that support your decision to change custody, parenting time and support.

- **“Parenting Plan.”** Use the **“Parent Child Access Guidelines”** to help you complete this form.

Hints to help you complete the Parenting Plan.

1. State your parenting time arrangements as clearly as possible. For example, **Alternating weekends from after work on Friday, at 6:00 p.m. until Sunday at 6:00 p.m.**
 2. Avoid vague or unclear statements such as “will share, will divide, or will decide later.” These statements may result in future disputes related to different interpretations. Although flexibility and mutual agreement is encouraged, the document must be specific to be legally enforceable.
- **“Child Support Worksheet.”** See the Child Support Guidelines to help you complete this form. If you want to modify or change custody, you must also consider whether it will be necessary to modify or change child support. Attached are the documents that are required to modify or change the child support order. Because you and the other party Agreeing to change custody, **BOTH OF YOU MUST SIGN** the Worksheet. **IF YOU DO NOT AGREE, YOU CANNOT USE THIS PACKET.** See the Self-Service Packet on Custody, Parenting time and Child Support, To Change an Existing Court Order.

The Clerk of Superior Court can help you complete the forms, if you have an appointment. To schedule an appointment, contact the Support Orders Unit at 602-506-3762. The Support Orders Unit is located at the Central Court Building, 201 West Jefferson, 1st floor, Phoenix, Arizona; at the Southeast Regional Complex, 222 East Javelina, 1st floor, Mesa, Arizona and at the Northwest Regional Complex, 14264 West Tierra Buena Lane, Surprise, Arizona.

If you schedule an appointment, please bring the following things to your appointment:

- **“Judgment Data Sheet”** (a copy is included in the forms packet)
- A copy of **“Child Support Order”** you want to modify or change.
- Monthly gross income for both parties
- Amount of monthly child support paid for in another case for both parties
- Amount of monthly spousal maintenance/support paid for in this case or in another case for both parties
- Monthly medical insurance premium paid for child(ren) in this case for both parties
- Monthly childcare costs for child(ren) in this case for both parties
- Extra education expenses for child(ren) in this case (i.e. private school tuition) for both parties
- Cost of meeting needs for gifted or handicapped child(ren) in this case for both parties

“Order of Assignment” and **“Employer Information Sheet”**. This document is required for whenever child support is paid by one party. See the instructions in this packet to help you fill out this Order.

“Order Stopping an Order of Assignment” and **“Employer Information Sheet.”** This document is required whenever child support has been ordered and you need to have child support stopped. See the instructions in this packet to help you fill out this Order.

“Judgment Data Sheet.” See the instructions in this packet to help you fill out this document.

**ALL FORMS REFERRED TO IN THESE INSTRUCTIONS
ARE AVAILABLE AT THE SELF- SERVICE CENTER.**